IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9836/07
Bhag Chand Jain Vs. Additional Civil Judge & Anr.

Date of order : 7/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Nitin Jain for the petitioner.

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This writ petition has been filed by the plaintiff-petitioner with the grievance that the suit which was filed way back on 8.2.1995 has not been decided by the trial court even after the lapse of more than 12 years. It is contended that though the written statement was filed by the defendant way back on 3.8.1996, but the trial court has not even framed the issues so far.

It is indeed surprising that when the pleadings of the parties were completed on 3.8.1996 with defendant having filed his written statement, the issues have

not been framed so far. Learned counsel placed reliance on the decision of Nanag Ram & Ors. Vs. Civil Judge (Sr. Division) Srimadhopur, Distt. Sikar & Ors.-2005 (1) DNJ (Raj.) 174. It is therefore prayed that the trial court be directed to decide the aforesaid suit no.60/95 (22/01) within a period of three months.

Having heard the learned counsel for the petitioner and perused the material on record, I find that the suit indeed was filed on 8.2.1995 and written statement was filed on 3.8.1996. It is indeed a matter of surprise that even after the pleadings of the parties having been completed in August, 1996, the trial court could not frame the issues till now. Although I do not deem it appropriate to issue a mandamus regulating the proceedings of the trial court by directing it to decide the suit

within the time prayed for, but at the same time it is impressed upon the learned trial Judge that it shall proceed to frame the issues at the earliest possible and then direct the parties to lead their evidence without granting them more than reasonable time. The learned trial court has to be conscious of the fact that this was a suit which was filed in 1995 and therefore efforts should be made to decide the said suit in an expeditious manner consisting with the priority that may be given to matters which may have been filed even earlier to the present suit.

The writ petition is therefore disposed of with the aforesaid observations

(MOHAMMAD RAFIQ), J.

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